



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-1370 FAX (603) 271-1381



August 16, 2000

Mr. Deborah Elia, Chairwoman
Board of Selectmen
Town of Newton
PO Box 209
Newton, NH 03858

CERTIFIED MAIL (7099 3400 0002 9769 7747)
RETURN-RECEIPT REQUESTED

LETTER OF DEFICIENCY
No. ARD 2000-010

Re: Open Burning of Materials that Do Not Conform to the Provisions of CHAPTER ENV-A 1000 and
PIP Authorization No. 651

Dear Ms. Elia:

On June 8 and July 21, 2000, the New Hampshire Department of Environmental Services, Air Resources Division ("DES"), performed an inspection at the Town of Newton's Solid Waste Transfer Station/Brush Disposal Site ("the Facility") off Dugway Road at Tax Map 016-01-002 in Newton, NH. The purpose of the inspection was to determine compliance with the NH Admin. Rules Env-A 100-3600, NH Rules Governing The Control of Air Pollution, specifically, CHAPTER Env-A 1000, Prevention, Abatement, and Control of Open Source Air Pollution, and AUTHORIZATION TO BURN WOOD & YARD WASTES, PIP No. 651 ("PIP No. 651") which authorizes the Town of Newton to operate a municipal burn site for untreated waste wood and brush.

At the time of the June 8, 2000 inspection, non-conforming materials were found in the burning pile. In particular, the DES inspector observed used oil being poured on the burn pile. In addition, the following non-conforming materials were found in the burn area: painted wood, plywood, linoleum, furniture, cardboard, brush over 5 inches in diameter and shingles. The inspector told the operator to cease dumping used oil on the pile and informed him of the illegal burning of non-conforming materials. When the inspector arrived on July 21, 2000, the pile was smoldering with no-one attending it and the following non-conforming materials were observed in the ashes or on top of the ashes: painted wood (charred), insulation, wafer board, shingles, bricks, and assorted metal. Based upon these findings, DES has determined that the Facility has been operating in violation of Env-A 1001.04(a)(2) and Condition 2(a)(b) of PIP No. 651.

Env-A 1001.04(a)(2) restricts any city or town to burning only brush or untreated wood

Condition No. 2(a)(b) requires all burning to be conducted in accordance with the requirements of Env-A 1000 and that the following materials only shall be accepted and treated at the burn site:

- a. **"Brush"**, defined to mean tree tops, limbs, saplings, and tree cuttings, to include attached leaves which are five inches in diameter or less, and slash which measures five (5) inches in diameter or less; and
- b. **"Untreated wood"**, defined to mean any timber, board, or sawn dimensional lumber which has not been treated, coated, or preserved. This term does not include any manufactured building material, such as plywood or waferboard.

DES believes that the above-referenced deficiencies can be resolved if the Facility adheres to the following procedures:

Separate materials that do not meet the specifications of Condition 2 of PIP No. 651 from the burn area, and burn only permissible materials as described in PIP No. 651;

Submit a statement in writing to DES within ten (10) days of receipt of this Letter of Deficiency attesting that if open burning activities continue they will be conducted in accordance with PIP No. 651 and Env-A 1000.

Attached is a copy of PIP No. 651 and Env-A 1000 for your reference. Please submit the requested information, within the specified time frame, to the following address:

Ms. Mary Ruel
New Hampshire Department of Environmental Services
Air Resources Division, Compliance Bureau
6 Hazen Drive, P.O. Box 95
Concord, NH 03302-0095

It should be noted that a letter of deficiency was issued to the town in 1995 for similar violations. Activities at the facility will be monitored to determine compliance with the regulations and the PIP authorization. In the event that compliance is not achieved within the specified time frame or maintained, DES may take further action against you, including issuing an administrative order, seeking administrative fines, revoking PIP No. 651, and/or referring this matter to the NH Department of Justice for civil and/or criminal penalties. Please note that DES may conduct follow-up inspections to verify your compliance with air pollution control requirements.

If you have any questions concerning this letter of deficiency, please contact Ms. Mary Ruel, Enforcement Section Supervisor, Compliance Bureau, Air Resources Division, at (603) 271-6795.

Sincerely,

COPY

Robert R. Scott
Administrator
Compliance Bureau
Air Resources Division

Enclosure: PIP No. 651 and Env-A 1000

cc: K. A. Colburn, DES O/C
G. Rule, DES O/C
T. McCusker, EPA, Region
R. Reed, DES WMD